

(2) Any building or facility on a military installation designed and constructed primarily for use by able-bodied military personnel.

(d) *Application and effective date of standards.* Any covered building or facility, as provided in this section, which is designed, constructed, or altered after the effective date of a standard issued in conformance with this guideline which is applicable to the building or facility, shall be designed, constructed, or altered in accordance with the standard. Any other building or facility covered by the Architectural Barriers Act, if and when required by law, shall comply with such standards issued in conformance with this part as are appropriate.

[47 FR 33864, Aug. 4, 1982, as amended at 54 FR 5444, Feb. 3, 1989]

### § 1190.3 Definitions.

As used in this part, the term:

*ATBCB* means the Architectural and Transportation Barriers Compliance Board.

*Access aisle* means a pedestrian space between elements such as parking spaces, seating, and desks.

*Accessible* means in compliance with the specifications and requirements of any applicable standard issued by a standard-setting agency in conformance with this part. *Accessible* describes a site, building, facility, or portion thereof that complies with these requirements, and that can be approached, entered, and used by physically handicapped persons. Accessible elements and spaces of a building or facility including doors provided adjacent to a turnstile or a revolving door, shall be subject to the same use patterns as other elements and spaces of the building or facility.

*Accessible route* means a continuous unobstructed path connecting accessible elements and spaces in a building or facility and complying with the space and reach requirements of any standard issued by a standard-setting agency in conformance with this part. (Interior accessible routes may include but are not limited to corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include but are not limited

to parking access aisles, curb ramps, walks, ramps, and lifts.)

*Accessible space* means a space that complies with any standard issued by a standard-setting agency in conformance with this part.

*Adaptability* means the capability of certain building spaces and elements, such as kitchen counters, sinks and grab bars, to be altered or added to so as to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

*Addition* means an expansion, extension, or increase in the gross floor area of a building or facility.

*Agency* means a Federal department, agency or instrumentality, as defined in sections 551(1) and 701(b)(1) of title 5, United States Code, or an official authorized to represent an agency.

*Alteration* means any change in a building or facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangement in structural parts, and extraordinary repairs. It does not include normal maintenance, reroofing, interior decoration, or changes to mechanical systems.

*Architectural Barriers Act* means the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 *et seq.*

*Assembly area* means a room or space accommodating fifty or more individuals for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink, and including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference and meeting rooms accommodating fewer than fifty individuals are not considered assembly areas.

*Automatic door* means a door—

(1) Used for human passage and

(2) Equipped with a power-operated mechanism and controls that open and close the door upon receipt of a momentary actuating signal.

*Building or facility* means all or any portion of buildings, structures, equipment, roads, walks, parking lots, parks, sites, or other real property or interest in such property.

*Circulation path* means an exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

*Clear* means unobstructed.

*Common use areas* means those interior and exterior rooms, spaces or elements that are made available for the use of a restricted group of people (for example, residents of an apartment building, the occupants of an office building, or the guests of such residents or occupants).

*Construction* means any erection of a new building or of an addition to an existing building or facility.

*Cross slope* means the slope that is perpendicular to the direction of travel (see *running slope*).

*Curb ramp* means a short ramp cutting through a curb or built up to it.

*Detectable* means perceptible by one or more of the senses.

*Detectable warning* means a standardized surface texture applied to or built into walking surfaces or other elements to warn visually impaired people of hazards in the path of travel.

*Dwelling unit* means a single unit of residence that provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like.

A single family home is a dwelling unit, and dwelling units are to be found in such housing types as townhouses and apartment buildings.

*Egress or means of egress* means a continuous and unobstructed way of exit travel from any point in a building or facility to an exterior walk or out of a fire zone. It includes all intervening rooms, spaces, or elements.

*Element* means an architectural or mechanical component of a building, facility, space, or site, *e.g.*, telephone, curb ramp, door, drinking fountain, seating, water closet.

*Entrance* means any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s).

The principal entrance of a building or facility is the main door through which most people enter.

*Essential features* means those elements and spaces that make a building or facility usable by, or serve the needs of, its occupants or users. Essential features include but are not limited to entrances, toilet rooms, and accessible routes. Essential features do not include those spaces that house the major activities for which the building or facility is intended, such as classrooms and offices.

*Exception* means a special provision in this part or in a standard which indicates an acceptable alternative, under specified circumstances, to a requirement stated directly above the exception.

*Extraordinary repair* means the replacement or renewal of any element of an existing building or facility for purposes other than normal maintenance.

*Full and fair cash value* is calculated for the estimated date on which work will commence on a project and means—

(1) The assessed valuation of a building or facility as recorded in the assessor's office of the municipality and as equalized at one hundred percent (100%) valuation—

(NOTE: The one hundred percent (100%) equalized assessed value shall be based upon the state's most recent determination of the particular city's or town's assessment ratio.

*Example:* Town X has an assessment ratio of forty percent (40%), and the particular building in question is assessed at \$200,000.00. To determine the equalized assessed value of this building, divide \$200,000.00 by .40, and the equalized assessed value equals \$500,000.00.);

(2) The replacement cost; or

(3) The fair market value.

*Guidelines and requirements* means this part.

*Housing* means a building, facility, or portion thereof, excluding inpatient health care facilities, that contains one or more dwelling units or sleeping accommodations. Housing may include, but is not limited to, one-family and two-family dwellings, multifamily dwellings, group homes, hotels, motels, dormitories, and mobile homes.

*Marked crossing* means a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

*Multifamily housing* means a project containing five or more dwelling units.

*Operable part* means a part of equipment or an appliance used to insert or withdraw objects, to activate or deactivate equipment, or to adjust the equipment (e.g., coin slot, push button, handle).

*Physically handicapped person* means an individual who has a physical impairment, including impaired sensory, manual, or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

*Power-assisted door* means a door—

- (1) Used for human passage; and
- (2) With a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

*Public use* means any interior and exterior rooms or spaces made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

*Ramp* means a walking surface that has a running slope greater than 1:20.

*Reconstruction* means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

*Restoration* means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later works or by replacement of missing earlier work.

*Running slope* means the slope that is parallel to the direction of travel (see *cross slope*).

*Section 502 of the Rehabilitation Act* or *section 502* means section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 792, as amended.

*Service entrance* means an entrance intended primarily for delivery or service.

*Shall* denotes a mandatory requirement.

*Signage* means the display of written, symbolic, tactile, or pictorial information.

*Site* means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

*Site improvements* means landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and similar site additions.

*Sleeping accommodations* means rooms in which people sleep (for example, dormitory and hotel or motel guest rooms).

*Space* means a definable area, e.g., toilet room, hall, assembly area, parking area, entrance, storage room, alcove, courtyard, or lobby.

*Standard* means any standard for accessibility issued under the Architectural Barriers Act.

*Standard-setting agency* means one of the four agencies required to issue standards under the Architectural Barriers Act, i.e., the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service.

*Structural impracticability* means having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50 percent or more of the value of the element of the building or facility involved.

*Tactile* means perceptible through the sense of touch.

*Temporary* means elements are not permanent (i.e., installed for less than six months) and are not required for safety reasons.

*Walk* means an exterior pathway or space with a prepared surface intended for pedestrian use and having a slope of 1:20 or less. It includes general pedestrian areas such as plazas and courts.

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#### **§ 1190.4 Issuance of Architectural Barriers Act standards by standard-setting agencies.**

(a) These guidelines and requirements are the minimum guidelines and requirements for standards issued under the Architectural Barriers Act by the Administrator of General Services, Secretary of Housing and Urban Development, Secretary of Defense, and Postmaster General.

(b) Standards which conform to or exceed the provisions of the guidelines